

OFFICIAL COPY

Fresno, California

July 28, 1998

The City Council of the City of Fresno met in regular session at the hour of 9:09 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Garry Bredefeld	Councilmember
	Mike Briggs	Vice President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Chris Mathys	President

Jeff Reid, City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca E. Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Reverend Bernard Guekguezian, First Armenian Presbyterian Church, gave the invocation.

Fresno Bee Reporter Don Coleman led the Pledge of Allegiance to the Flag.

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PROCLAMATION OF KOREAN VETERANS DAY )

Read and presented.

PROCLAMATION OF WORLD BREASTFEEDING WEEK )

Read and presented.

PROCLAMATION OF HARVEY ZIMMERMAN DAY - PRESIDENT MATHYS )

Read and presented.

PROCLAMATION OF NATIONAL NIGHT OUT DAY )

Read and presented.

PRESENTATION OF CERTIFICATES/RECOGNITION OF STUDENTS )  
 FROM LEAVENWORTH, HILDAGO, BIRNEY, BURROUGHS AND )  
 MAYFAIR SCHOOL - COUNCILMEMBER PEREA (NOT ON AGENDA) )

Presented.

PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE )  
 SUMMER QUARTER )

Certificates were presented to: Celeste Henley, Administrative Services (Human Resources); Joseph Oldham, Administrative Services (Fleet); Roy Bradley, Airports; Ginger Barrett, City Manager/Mayor/City Council/City Clerk; Paul Clark, Convention Center; Jesse Morrison, Housing and Neighborhood Revitalization; Steven Reyes, Housing and Neighborhood Revitalization (Community Sanitation); Stephen Whittenberg and Anthony Barrios, Development Department; Chris Arias, Fire Department; Roger Roberts, Fresno Area Express (Operations); Fred Wenger, Fresno Area Express (Maintenance); Michael White, Brad Stevens and Poppy Burger, Police Department; Joe Arroyo, Public Utilities (Water); Debbie Hendricks, Public Utilities (Wastewater); Benny Guerrero, Public Utilities (Solid Waste); Ed Grimaldo, Public Works (Streets); Joe Paff, Public Works (Engineering); and Norman Mirelez, Public Works (Traffic Engineering).

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The Council recessed at 9:41 a.m. for a reception honoring PRIDE Team employees and reconvened in regular session at 10:00 a.m.

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APPROVE MINUTES OF JULY 21, 1998 )

On motion of Councilmember Steitz, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the minutes of July 21, 1998, approved as submitted.

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#### **APPROVE AGENDA:**

REQUEST TO COUNCIL TO BE MORE AWARE AND TIME-SENSITIVE )  
 TO COUNCIL ISSUES SET FOR CONSIDERATION FOR CITIZENS IN )  
 ATTENDANCE - COUNCILMEMBER BREDEFELD )

Citing the reception/celebration for employees just held, Councilmember Bredefeld implored Council to be more sensitive to citizens waiting for issues scheduled for consideration emphasizing they have taken time off work and out of their daily schedule to attend to issues important to them.

(1A-15) \***RESOLUTION** - 4TH AMENDMENT TO AAR 98-159 APPRO- )  
 PRIATING \$600 OF DISTRICT 4 INFRASTRUCTURE CAPITAL FOR )  
 CITIZENS ON PATROL BICYCLE SUPPLIES AND REPAIRS )  
 (DISCUSSED AGAIN LATER) )

Councilmember Steitz advised the funding was for Neighborhood Watch and not Citizens on Patrol. The matter was laid over to the afternoon session for further clarification.

POLICY ON CLOSED SESSION ISSUES - COUNCILMEMBER PEREA )

Upon question of Councilmember Perea relative to closed session **Item B-4**, Ehrlich v. COF, City Attorney Montoy stated there had been threatened litigation but no claim had been filed, and clarified policy for scheduling issues in closed session. Councilmember Perea stated he was uncomfortable with scheduling issues (threats) for closed session prematurely.

MOMENT OF SILENCE FOR OFFICERS KILLED IN WASHINGTON - )  
 PRESIDENT MATHYS )

Moment of silence observed.

On motion of Councilmember Bredefeld, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

(1A-1) PROPOSED APPOINTMENT OF ROBERT WILSON TO THE APART- )  
 MENT VACANCY TASK FORCE - COUNCILMEMBER BREDEFELD (FOR )  
 INTRODUCTION) )

Removed from the agenda by Councilmember Bredefeld.

(1A-2) APPROVE APPOINTMENT OF FLOYD HARRIS, JR. TO THE )  
 EDISON SOUTHWEST ADVISORY COMMITTEE - COUNCILMEMBER )  
 RONQUILLO (FOR ADOPTION) )

**(1A-3) RESOLUTION NO. 98-212 - APPROVING FINAL MAP AND SUBDI-** )  
**VISION AGREEMENT FOR TRACT NO. 4736, PHASE I OF VESTING** )  
**TENTATIVE TRACT NO. 4736/UGM 569, PROPERTY LOCATED ON THE** )  
**EAST SIDE OF N. CHESTNUT BETWEEN E. TEAGUE AND E. NEES** )  
**AVENUES, ACCEPTING THE DEDICATED PUBLIC USES THEREIN** )

**1. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE** )  
**STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFER-** )  
**RING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION** )  
**CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT** )  
**FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY** )  
**AND CREATION OF LIEN AND THE STATEMENT OF COVENANTS** )  
**AFFECTING LAND DEVELOPMENT FOR RIGHT TO FARM** )

**2. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE** )  
**SUBDIVISION AGREEMENT, STATEMENT OF COVENANTS AFFECTING** )  
**LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE AND THE** )  
**STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR** )  
**SOLID WASTE DISPOSAL LIMITATION** )

**(1A-4) RESOLUTION NO. 98-213 - APPROVING FINAL MAP AND SUBDI-** )  
**VISION AGREEMENT FOR TRACT NO. 4736/UGM 569, PROPERTY** )  
**LOCATED ON THE SOUTHEAST CORNER OF N. CHESTNUT AND E.** )  
**TEAGUE AVENUES, ACCEPTING THE DEDICATED PUBLIC USES THEREIN** )

**1. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE** )  
**STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFER-** )  
**RING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION** )  
**CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT** )  
**FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY** )  
**AND CREATION OF LIEN** )

**2. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE** )  
**SUBDIVISION AGREEMENT, STATEMENT OF COVENANTS AFFECTING** )  
**LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE** )

**(1A-5) RESOLUTION NO. 98-214 - APPROVING FINAL MAP AND SUBDI-** )  
**VISION AGREEMENT FOR TRACT NO. 4570/UGM 563, PROPERTY** )  
**LOCATED ON THE NORTHWEST CORNER OF E. CHURCH AND S.** )  
**SUNNYSIDE AVENUES, ACCEPTING THE DEDICATED PUBLIC USES** )  
**THEREIN** )

**1. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE** )  
**STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFER-** )  
**RING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION** )  
**CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT** )  
**FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY** )

AND CREATION OF LIEN AND THE STATEMENT OF COVENANTS )  
AFFECTING LAND DEVELOPMENT FOR RIGHT TO FARM )

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2. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE )  
SUBDIVISION AGREEMENT, STATEMENT OF COVENANTS AFFECTING )  
LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE AND THE STATE- )  
MENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR SOLID )  
WASTE DISPOSAL LIMITATIONS )

(1A-7) DETERMINING THAT THE FOUR (4) LOWEST BIDDERS ARE )  
NON-RESPONSIVE TO THE SPECIFICATIONS; AND AWARD A CONTRACT )  
TO WESTATES TRUCK EQUIPMENT IN THE AMOUNT OF \$495,077.85 )  
FOR ONE NEW FIRE ENGINE AERIAL LADDER TRUCK TO BE FINANCED )  
AS A LEASE PURCHASE THROUGH THE CITY. A SECOND LADDER )  
TRUCK AUTHORIZED FOR FY 99 WILL BE PURCHASED AGAINST THIS BID )

(1A-8) RESOLUTION NO. 98-215 - CONVERTING THE PARALLEL PARKING )  
ON S. GARDEN BETWEEN TOWNSEND AND HEATON, AND HEATON )  
BETWEEN GARDEN AND WINERY TO DIAGONAL PARKING )

(1A-9) APPROVE LEASE AMENDMENT NO. 5 WITH THE AVIATION )  
GROUP; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO )  
EXECUTE THE SUBJECT AMENDMENT ON BEHALF OF THE CITY )

(1A-10) RESOLUTION NO. 98-216 - APPROVING THE FINAL MAP AND )  
SUBDIVISION AGREEMENT FOR TRACT NO. 4818, PROPERTY LOCATED )  
ON THE SOUTH SIDE OF W. BULLARD BETWEEN N. CORNELIA AND N. )  
FIGARDEN DRIVE, ACCEPTING THE DEDICATED PUBLIC USES THEREIN )

1. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATE- )  
MENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING )  
CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION )  
CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT )  
FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY )  
AND CREATION OF LIEN )

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE )  
SUBDIVISION AGREEMENT, STATEMENT OF COVENANTS AFFECTING )  
LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE )

(1A-11) RESOLUTION NO. 98-217 - DEDICATING CERTAIN CITY-OWNED )  
PROPERTY LOCATED ON THE NORTHWEST CORNER OF E. OLIVE AND N. )  
ELEVENTH FOR PUBLIC STREET PURPOSES )

(1A-12) RESOLUTION NO. 98-218 - DEDICATING CERTAIN CITY-OWNED )

PROPERTY ON THE SOUTHWESTERLY SIDE OF AIRWAYS BOULEVARD )  
SOUTH OF DAKOTA AVENUE FOR PUBLIC PEDESTRIAN WALKWAY )  
PURPOSES )

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(1A-13) RESOLUTION NO. 98-219 - MAKING CERTAIN PRELIMINARY )  
DETERMINATIONS AND AUTHORIZING CERTAIN ACTIONS WITH RESPECT )  
TO AN ASSESSMENT DISTRICT IN NORTHEAST AND SOUTHEAST )  
FRESNO )

(1A-14) PROPOSED REAPPOINTMENTS OF RALPH GOLDBECK, LARRY )  
WILEY AND ALICE SAVIEZ TO THE WORKFORCE DEVELOPMENT )  
BOARD - MAYOR PATTERSON (FOR INTRODUCTION) )

(1A-16) PROPOSED APPOINTMENT OF RUSSELL SMITH TO THE )  
WORKFORCE DEVELOPMENT BOARD - PRESIDENT MATHYS (FOR )  
INTRODUCTION) )

On motion of Councilmember Bredefeld, seconded by Vice President, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys  
Noes : None  
Absent : None

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(10:00 A.M.) CONTINUED HEARING CONCERNING CITY'S HOUSING )  
POLICIES AND PROGRAMS PURSUANT TO THE FAMILY ALLIANCE FOR )  
THE MENTALLY ILL (FAMI) SETTLEMENT AGREEMENT; AND CONSIDER )  
ADDENDUM TO THE ORIGINAL REPORT AND ACTION TO ADOPT, REJECT, )  
AND/OR MODIFY THE CONSULTANTS' RECOMMENDATIONS )

President Mathys announced the time had arrived to consider the issue and opened the hearing.

Consultant Sylvia Ruiz, President, Tierra Concepts, reviewed the work conducted and stated the City was in compliance with housing law.

Housing and Neighborhood Revitalization Director Quiring submitted a letter for the record from Protection & Advocacy, Inc., counsel for FAMI, dated July 27, 1998, which was transmitted via facsimile and mail to President Mathys relative to "Non-compliance with Consent Order in FAMI v. City of Fresno Case; Comments Regarding Housing Consultant Report to the City Council," a copy of which letter is on file in the office of the City Clerk.

(2 - 0) Assistant City Attorney Avila addressed concerns outlined in the letter stating the issues did not

constitute insufficiency of the consultant's report.

Speaking to the issue of the consultant's report were: David Bolin, Project Manager, Center for Independent Living, 3475 W. Shaw #101; Rebecca Garth, 5070 E. Ashlan #178; and Dennis Torigian, Housing Committee Chair, FAMI, 17958 W. Shaw, Kerman. Ms. Ruiz briefly addressed comments made.

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Upon call, no one else wished to be heard and President Mathys closed the hearing.

On motion of Councilmember Steitz, seconded by Councilmember Bredefeld, duly carried, RESOLVED, Tierra Concepts Report, recommendations and addendum hereby adopted, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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(9:15 A.M.) PRESENTATION ON "MIDNIGHT FULL MOON FUN RUN" BY )  
THE POLICE DEPARTMENT )

Presentation made and invitation extended by Capt. Gil, Fire Department, and Luann Fouts, Police Department.

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(9:10 A.M.) APPEARANCE BY JONATHAN AROZ REGARDING UPGRADE )  
OF BLUE PRINT RECORDS )

Appearance made. No action taken.

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(9:30 A.M.) PRESENTATION BY COUNCIL OF FRESNO COUNTY )  
GOVERNMENTS (COG) )  
1. REGIONAL TRANSPORTATION PLAN )

Tony Boren, COG Transportation Planner, reviewed the Regional Transportation Plan 1998 Update, (3 - 0) and along with Barbara Goodwin, COG Director, and City Manager Reid, responded to numerous Council questions on projected growth, traffic, urban in-fill, alternatives to freeways, City staff's position, and railroads. Various Councilmembers commented on the issue and offered their suggestions and recommendations. The report and plan was taken under advisement.

2. CONTINUED CONSIDERATION OF FRESNO-MADERA COUNTY EAST- )  
WEST CORRIDOR STUDY BY COG AND CONSIDERATION OF COUNCIL )  
DIRECTION )

City Clerk Klisch advised the motion offered on July 21st was to delete Alternative Nos. 2 and 4 from consideration. Councilmember Steitz removed Alternative 4 from the motion. Mr. Boren and City Attorney Montoy gave a brief summary and overview of the prior weeks meeting and the East-West study.

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Speaking to the issue and/or expressing concerns with the study and/or east-west corridor were: Mary Savala, 7490 Toletachi Road; Mary Biskup and Mike Biskup, 3810 E. International; Rose Rowe, 535 E. San Ramon, TEA legislation; Andre Forestiere, 629 W. Robinwood, importance of Parkway Trust input; and Clary Creager, 12245 Old Friant Road, who requested Council reject the plan. **(4 - 0)**

Councilmember Steitz stated his support for deletion of Alternative 2 and for an east-west corridor stating the need was obvious, contended the issue was where the freeway should go and elaborated, and stressed he wanted to see the studies and move forward.

On motion of Councilmember Bredefeld, seconded by President Mathys, duly carried, RESOLVED, deletion of Alternative Corridor #2 from the Fresno & Madera East-West Corridor/Sub Area Study-Phase I hereby approved, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

Councilmember Bredefeld noted the City had not yet updated its General Plan yet freeways were being planned adding the issue seemed backwards, stated freeways would be growth inducing and would lead to abandonment of the inner-city, stated he did not support the study, and made a motion to reject the study in its entirety, which motion was seconded and acted upon after additional discussion.

Councilmember Perea thanked Mr. Boren and COG for the study, stated he felt projects currently planned for the north area were the reason for the study, stressed growth beyond the river needed to stop and Council needed to concentrate on the inner-city, and stated his support for the motion.

Councilmember Steitz expressed his concern with the motion stressing Council should not put their heads in sand relative to growth and the plans, stated those who support the motion should go on record in opposition to State Routes 168 and 180, and urged Council to oppose the motion.

A motion of Councilmember Bredefeld, seconded by Councilmember Perea, to reject the Fresno & Madera County East-West Corridor/Sub-Area Study-Phase I failed, by the following vote:

Ayes	:	Bredefeld, Perea, Ronquillo
Noes	:	Briggs, Quintero, Steitz, Mathys
Absent	:	None



(9:45 A.M.) APPEAL ON DETERMINATION BY THE HISTORIC )  
PRESERVATION COMMISSION REGARDING PRELIMINARY PLANS FOR )  
THE GUARANTEE SAVINGS BUILDING LOCATED AT 1171-1177 )  
FULTON MALL - HISTORIC RESOURCE #167 )

Historic Preservation Specialist Mellon briefly reviewed the staff report as submitted. Vice President Briggs left the meeting at 12:19 p.m.

Charles Briggs and Ron Allison, 3097 Willow #10, Clovis, appellants and co-owners of the Guarantee Savings Building, reviewed the issue and their investment and urged Council's support for replacement casement windows as proposed.

Speaking to the issue were: Scott Vincent, Historic Preservation Commission, who explained the commission's finding that the proposed windows would be incompatible; and Zee Smith, Historical Society, who requested Council support the commission.

Councilmember Ronquillo stated there was a need to save the integrity of older historic buildings and at the same time support investors, and recommended the alternative as proposed by staff to install the casement windows **including** the addition of a horizontal bar (muntin) to the exterior of the window.

Discussion ensued on whether or not a permit was necessary to replace windows without structural changes, on the commission's authority under the Historic Preservation Ordinance, (5 - 0) and on the applicable building code, with Ms. Mellon, City Attorney Montoy, City Manager Reid and Mr. Briggs responding to questions.

Councilmember Steitz expressed his concern with the issue stating it should not have reached this level, and made a motion to sustain the appeal of the property owner and permit the casement windows. Ms. Montoy advised of necessary findings Council would have to make to sustain the appeal.

A substitute motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, to replace the historic double hung windows with casement windows with an added horizontal bar (muntin) to the exterior of the replacement windows failed to become the main motion, by the following vote:

Ayes	:	Bredefeld, Perea, Ronquillo
Noes	:	Quintero, Steitz, Mathys
Absent	:	Briggs

A motion of Councilmember Steitz, seconded by Councilmember Bredefeld, finding that replacing the historic double hung windows with casement windows would be consistent with the historic structure of the building and not detrimental, and sustaining the appeal of the property owner failed, by the following vote:

Ayes	:	Quintero, Steitz, Mathys
Noes	:	Bredefeld, Perea, Ronquillo
Absent	:	Briggs

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Councilmember Steitz made a motion that the additional horizontal bars as recommended by Councilmember Ronquillo be paid for from Redevelopment Agency funds, and expressed his concern stating three Councilmembers were holding up economic revitalization of downtown Fresno. Councilmember Steitz briefly left the meeting at 12:53 p.m. Councilmember Ronquillo rebutted Councilmember Steitz' comments.

Mr. Reid stated there was a need for Council to take action, noted there was also the question of the commission's jurisdiction over the matter, and advised an alternative would be to refer the matter back the commission for further review. Councilmember Ronquillo recommended the issue be referred back to the Historic Preservation Commission to determine whether the windows were even subject to the regulatory permit process.

On motion of President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, replacement of the historic double hung windows with casement windows, with the addition of horizontal bars (muntin) to the exterior of the replacement windows hereby approved, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Mathys
Noes	:	None
Absent	:	Briggs, Steitz

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Councilmembers Steitz and Briggs returned to the meeting at 12:56 p.m.

(10:30 A.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. R-98-06 )  
AND REZONING APPLICATION NO. R-98-08, FILED BY SAM LUCIDO, )  
PROPERTY LOCATED AT N. MAPLE AND E. NEES AVENUES )  
1. RESOLUTION - DENYING THE AMENDMENT TO THE WOODWARD )  
PARK COMMUNITY PLAN (PLANNING COMMISSION RECOMMENDATION) )  
2. RESOLUTION NO. 98-220 - AMENDING THE WOODWARD PARK )  
COMMUNITY PLAN FROM MEDIUM-LOW DENSITY RESIDENTIAL TO )  
OFFICE COMMERCIAL PLAN DESIGNATION (APPLICANT'S REQUEST) )  
3. BILL NO. B-59 - ORDINANCE NO. 98-56 - AMENDING THE OFFICIAL )  
ZONE MAP TO REZONE FROM AE-20/UGM TO R-P/UGM ZONE DISTRICT )  
APPLICANT'S REQUEST) )

President Mathys announced the time had arrived to consider the issue and opened the hearing.

Councilmember Steitz excused himself from proceedings at 12:57 p.m. due to a potential conflict of interest (property ownership near the subject facility) and returned after the lunch recess.

Gary Giannetta, representing the applicant, spoke in support of the request. Councilmember Bredefeld noted he had met with the applicant, staff and the Woodward Park Homeowners Association and advised of support by all.

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Upon call, no one else wished to be heard and President Mathys closed the hearing.

On motion of Councilmember Bredefeld, seconded by President Mathys, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-98-06, R-98-08 hereby approved; the above entitled Resolution No. 98-220 adopted; and the above entitled Bill No. B-59 adopted as Ordinance No. 98-56, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Mathys
Noes	:	None
Absent	:	Steitz

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MOTION TO RECESS FOR LUNCH - COUNCILMEMBER BREDEFELD )

President Mathys urged Council to hear the next time scheduled item (10:45 A.M.) as the presenter was from out of town and had been waiting since earlier in the morning.

A motion of Councilmember Bredefeld, seconded by Councilmember Perea, to recess for lunch failed, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero
Noes	:	Briggs, Ronquillo, Mathys
Absent	:	Steitz

MOTION TO SUSPEND THE LUNCH HOUR RULE TO CONSIDER THE )  
10:45 A.M. ITEM - PRESIDENT MATHYS )

A motion of President Mathys, seconded by Vice President Briggs, to suspend the lunch hour rule to hear the 10:45 A.M. matter failed, by the following vote:

Ayes	:	Briggs, Ronquillo, Mathys
Noes	:	Bredefeld, Perea, Quintero
Absent	:	Steitz

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**LUNCH RECESS - 1:01 P.M. - 2:24 P.M.** Vice President Briggs arrived later.

**(1A-15) \*RESOLUTION NO. 98-221 - 4TH AMENDMENT TO AAR 98-159 )**  
**APPROPRIATING \$600 OF DISTRICT 4 INFRASTRUCTURE CAPITAL )**  
**FOR NEIGHBORHOOD WATCH BICYCLE SUPPLIES AND REPAIRS )**

Councilmember Steitz clarified the funds were being appropriated for Neighborhood Watch (instead of Citizens on Patrol) for bicycle supplies and repairs.

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On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 98-221 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

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**(1A-6) AWARD A CONTRACT FOR PAVEMENT RECYCLING OF )**  
**VARIOUS STREETS WITHIN THE CITY OF FRESNO, 1998 PHASE 2 )**

Public Works Director Salazar responded to questions of Councilmember Ronquillo stating Thorne Avenue had been completed and only major streets were being resurfaced. Vice President Briggs arrived at 2:28 p.m.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, a contract hereby awarded to Granite Construction in the amount of \$3,208,214, for pavement recycling of various streets within the City of Fresno, 1998 Phase 2, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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**(1A-17) RESOLUTION NO. 98-222 - AUTHORIZING THE PURCHASING )**  
**MANAGER TO PURCHASE 14, 9-1-1 VIEWSONIC (PT775) MONITORS )**  
**PLUS PRO LIGHTING PCI DUAL DISPLAY CARDS FROM PACIFIC BELL, )**  
**WITHOUT ADVERTISED BIDDING UNDER THE SOLE SOURCE EXCEPTION )**

Director of Administrative Services Souza responded to questions of Councilmember Steitz relative to the 911 contract with Pacific Bell and the subject equipment.

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 98-222 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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(1A-18) RECEIPT OF CERTIFICATE OF INSUFFICIENCY OF PETITION )  
TO RECALL MAYOR JIM PATTERSON )

City Attorney Montoy responded to questions of Councilmember Steitz relative to recall costs. Councilmember Steitz expressed his concern stating it was a tragedy the situation occurred and elaborated, and stated the recall committee should be held accountable for all costs and lost business. Brief discussion ensued.

On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, the Certificate of Insufficiency of Petition to Recall Mayor Jim Patterson by the Fresno County Clerk/Registrar of Voters hereby received, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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**CONSENT CALENDAR - BILLS FOR INTRODUCTION:** )

(1B-1) BILLS FOR INTRODUCTION RELATING TO GENERAL PROVISIONS )  
OF THE FRESNO MUNICIPAL CODE (FMC), CODE ENFORCEMENT AND )  
GENERAL APPEALS )  
a. BILL NO. B-60 - AMENDING ARTICLE 1 OF CHAPTER 1 OF THE FMC, )  
RELATING TO GENERAL PROVISIONS )  
b. BILL NO. B-61 - REPEALING ARTICLE 4 OF CHAPTER 1 OF THE FMC, )  
RELATING TO GENERAL APPEAL PROCEDURES, AND ADDING ARTICLE 4 )  
OF CHAPTER 1 RELATING TO CODE ENFORCEMENT, JUDICIAL AND )  
ADMINISTRATIVE REMEDIES, **AS AMENDED** )  
c. BILL NO. B-62 - ADDING ARTICLE 5 OF CHAPTER 1 OF THE FMC, )  
RELATING TO GENERAL APPEAL PROCEDURES, **AS AMENDED** )  
d. BILL NO. B-63 - AMENDING SECTION OF THE FMC, RELATING TO )  
GENERAL APPEALS )  
e. BILL NO. B-64 - AMENDING SECTION 1-301(1) OF THE FMC, RELATING )

TO DEFINITIONS

)

Councilmember Steitz directed changes to ordinances "B" and "C" relative to appeals and inspection. Deputy City Attorney Slater briefly responded to Council questions and concurred with the requested changes.

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill Nos. B-60, B-61, **as amended**, B-62, **as amended**, B-63 and B-64 introduced before the Council and laid over, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

- - - -

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(10:45 A.M.) PRESENTATION BY FRANCOIS NION, JC DECAUX, )  
REGARDING AUTOMATED PUBLIC RESTROOMS DOWNTOWN - )  
PRESIDENT MATHYS AND COUNCILMEMBER RONQUILLO )

President Mathys and Councilmember Ronquillo briefly reviewed the issue citing the need for restrooms on the Fulton Mall and other areas.

(6 - 0) Francois Nion, JC Decaux, San Francisco, gave an overview of the self-cleaning restrooms and cost options for the program.

Victoria Gonzales, Downtown Association, spoke in support of the issue and responded to questions of Councilmember Bredefeld on existing restrooms and need for additional ones.

Extensive discussion ensued with Mr. Nion responding to Council questions relative to cost, funding, other cities utilizing the restrooms, and types of agreements. District 3 Assistant Cox gave an update on present restroom work in existing buildings/garages near the Mall using photographs to illustrate. Councilmember Bredefeld expressed his opposition to the issue stating automated restrooms were not the answer to revitalizing downtown and elaborated. Councilmembers Briggs, Steitz and Ronquillo stated their support for an RFP stating the need for restrooms on the mall was a serious issue and needed to be addressed. Upon question of Councilmember Perea, Ms. Gonzales stated the Downtown Association would be willing to assist the City on the issue.

On motion of President Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, staff directed to prepare a Request for Proposals (RFP) for downtown restrooms, by the following vote:

Ayes	:	Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	Bredefeld
Absent	:	None

- - - -

(11:45 A.M.) HEARING ON TEXT AMENDMENT NO. TA-97-10, PROPOSING )

A CHANGE TO SECTION 12-306-N-39 OF THE FRESNO MUNICIPAL CODE, )  
 RELATING TO MEASURING THE 300-FOOT SEPARATION BETWEEN AN )  
 AUTOMATIC CAR WASH AND A RESIDENTIAL NEIGHBOR )  
**1. \*BILL NO. B-56 - ORDINANCE NO. 98-57 - AMENDING THE FRESNO )**  
**MUNICIPAL CODE RELATING TO DEVELOPMENT CRITERIA FOR AUTO-** )  
**MATIC CAR WASHES (ALTERNATIVE NO.1)** )  
**2. \*BILL NO. B-57 - (ALTERNATIVE NO. 2)** )

President Mathys announced the time had arrived to consider the issue and opened the hearing.

Senior Planner Beach reviewed the staff report as submitted stating there was lack of clarity in the code on how the separation should be measured, and recommended Alternative #1 requiring 300 feet equally on all sides.

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Mr. Beach responded to questions of Councilmember Steitz who stated it was his understanding the main issue was noise and not distance, and expressed his concern stating the car wash industry was being singled out and explained.

Speaking to the issue were: Sterling Swartout, 1754 E. Bullard, who stated the real issue should be architecture and design standards; George Beal, 5816 E. Shields, (7 - 0) opposed to changing the distance; Selma Layne, Woodward Park Homeowners Association, support for the 350' distance; and Joni Johnson, Fresno Neighborhood Alliance, support for either alternative.

Upon call, no one else wished to be heard and President Mathys closed the public testimony portion of the hearing.

Vice President Briggs stated he concurred with Councilmember Steitz relative to measuring by noise standards and questioned what was necessary to pursue that direction, with City Attorney Montoy responding. A motion was made to adopt Alternative #1 which was acted upon after brief discussion. Mr. Beach responded to questions of Councilmember Steitz relative to loitering and decibel levels. Councilmember Bredefeld stated his objection had always been noise generated by vacuum islands and explained, and expressed his concern stating car washes did not belong in residential areas.

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-56 (Alternative #1) adopted as Ordinance No. 98-57, by the following vote:

Ayes	:	Briggs, Perea, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld, Mathys
Absent	:	None

A motion of Councilmember Steitz to direct staff to return with an ordinance similar to Fresno County was acted upon after additional discussion. Councilmember Bredefeld expressed his concern with the motion stating any car wash/vacuum island distance requirements would be eradicated and would be based solely upon decibel levels adding the whole issue was getting worse, with Mr. Beach responding and clarifying. Councilmember Steitz stated

the issue made a lot more sense as Council would act on the distance issue on a case-by-case basis as part of the CUP process.

On motion of Councilmember Steitz, seconded by Vice President Briggs, duly carried, RESOLVED, staff directed to return with a resolution initiating a text amendment to the code similar to Fresno County, including decibel levels, and CUP and site plan review processes, by the following vote:

Ayes	:	Perea, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld, Briggs, Mathys
Absent	:	None

- - - -

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**(3E) ELECTRICAL RESTRUCTURING: DIRECT STAFF TO PROCEED** )  
**WITH THE CONTRACTS AND AGREEMENTS WITH THE STATE OF** )  
**CALIFORNIA DEPARTMENT OF GENERAL SERVICES (DGS) TO BE** )  
**THE ENERGY SERVICE PROVIDER FOR THE TERMS THAT THEY** )  
**HAVE INCLUDED IN THE CONTRACT** )

Power Generation Supervisor McCallum briefly reviewed the staff report as submitted. A motion and second to move direction was acted upon after discussion, with Mr. McCallum, City Attorney Montoy and City Manager Reid responding to Council questions relative to the names of the State's providers, contract provisions, and passing on projected savings. Councilmember Ronquillo briefly left the meeting at 4:04 p.m.

On motion of President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff directed to proceed with the contracts and agreements with the State of California Department of General Services (DGS) to be the energy provider for the terms they have included in the contract, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

- - - -

Councilmember Ronquillo returned to the meeting at 4:07 p.m.

**(2:15 P.M.) BILL NO. B-65 - AMENDING THE FRESNO MUNICIPAL CODE** )  
**PROVIDING FOR A FIVE-YEAR VESTING PERIOD IN THE EMPLOYEES** )  
**RETIREMENT SYSTEM** )

On motion of President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill No. B-65 introduced and laid over, by the following vote:



Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys  
Noes : None  
Absent : None

- - - -

Councilmember Perea briefly left the meeting at 4:09 p.m.

**(2:30 P.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES** )  
**DISTRICT NO. 2, ANNEXATION NO. 6** )  
**1. RESOLUTION NO. 98-223 - ANNEXING TERRITORY TO CFD NO. 2 AND** )  
**AUTHORIZING THE LEVY OF A SPECIAL TAX** )  
**2. RESOLUTION NO. 98-224 - CALLING A SPECIAL MAILED-BALLOT** )  
**ELECTION RELATING TO CFD NO. 2** )

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**3. RESOLUTION NO. 98-225 - DECLARING ELECTION RESULTS RELATING** )  
**TO CFD NO. 2** )  
**4. BILL NO. B-66 - ORDINANCE NO. 98-58 - LEVYING A SPECIAL TAX )**  
**FOR THE PROPERTY TAX YEAR 1999-2000 AND FUTURE TAX YEARS** )  
**WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 6** )

President Mathys announced the time had arrived to consider the issue and opened the hearing. Vice President Briggs confirmed with staff 100% of the property owners were in support of the special tax.

Upon call, no one wished to be heard and President Mathys closed the hearing.

On motion of Councilmember Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 98-223, 98-224, and 98-225 hereby adopted; and the above entitled Bill No. B-66 adopted as Ordinance No. 98-58, by the following vote:

Ayes : Bredefeld, Briggs, Quintero, Ronquillo, Steitz  
Noes : Mathys  
Absent : Perea

- - - -

**(2A) CONSIDER REQUEST FROM THE PLANNING COMMISSION TO** )  
**SCHEDULE A JOINT MEETING ON (AUGUST 25, 1998) AUGUST 18,** )  
**1998, AT 6:30 P.M.** )

Councilmember Perea returned to the meeting at 4:11 p.m. Planning Manager Yovino advised the Planning Commission was requesting a change in the meeting date to August 18th, and upon question, advised of topics usually scheduled for discussion.

On motion of President Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, the Planning Commission's request for a joint meeting hereby approved and set for August 18, 1998, at 6:30 p.m., by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys  
Noes : None  
Absent : None

- - - -

**(3A) BILL NO. B-55 - ORDINANCE NO. 98-59 - AMENDING THE OFFICIAL )**  
**ZONE MAP: MODIFICATION TO APPROVED ORDINANCE BILL FOR )**  
**REZONING APPLICATION NO. R-98-06, FILED BY GEORGE AGUILAR, )**  
**TO REZONE FROM R-1 TO R-P, PROPERTY LOCATED ON THE WEST SIDE )**  
**OF N. FIRST BETWEEN E. SHAW AND E. BARSTOW AVENUES )**

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On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, the above entitled modified Ordinance Bill No. B-55 for Rezoning Application No. 98-06 removing the condition of zoning requiring property at 5187 N. Sherman Avenue to relinquish access to N. Sherman and E. San Jose Avenues hereby adopted as Ordinance No. 98-59, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys  
Noes : None  
Absent : None

- - - -

**(3B) \*RESOLUTION NO. 98-226 - 352ND AMENDMENT TO MFS RES. 80-420 )**  
**REDUCING OR ELIMINATING VARIOUS SEWER CONNECTION CHARGES )**

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Resolution No. 98-226 hereby adopted, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys  
Noes : None  
Absent : None

- - - -

**(3C) SUBMITTAL OF AUGUST, 1996 TRANSIENT ROOM TAX INCREASE )**  
**FOR VOTER APPROVAL, PURSUANT TO REQUIREMENTS OF PROPOSITION )**  
**218 )**  
**1. \*RESOLUTION NO. 98-227 - SUBMITTING FOR VOTERS APPROVAL )**

PURSUANT TO PROPOSITION 218, AN AMENDMENT TO THE MFS )  
RESOLUTION RELATING TO THE INCREASE IN TRANSIENT ROOM )  
TAX (HOTEL ROOM TAX) )

Upon question of Councilmember Steitz, Director of Administrative Services Souza stated the requested action would not raise taxes but would ratify an existing tax. Councilmember Quintero briefly left the meeting at 4:15 p.m.

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 98-227 hereby adopted, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Ronquillo, Steitz, Mathys  
Noes : None  
Absent : Quintero

- - - -

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(3D) PROPOSED CHARTER AMENDMENT GIVING PROPERTY OWNERS )  
OR TENANTS OF SINGLE FAMILY HOUSING UNITS THE OPTION TO )  
REQUEST THE CITY TO INSTALL WATER METERS AND TO CALCULATE )  
THEIR WATER BILLS BASED ON WATER METER READINGS TO BE )  
SUBMITTED TO THE ELECTORATE )  
1. \*RESOLUTION - SUBMITTING A PROPOSED CHARTER AMENDMENT )  
TO THE CITY ELECTORS RELATING TO VOLUNTARY WATER METERS )  
(NOT ADOPTED) )

Briefly reviewed by Councilmember Steitz who stated 22,000 residents currently had meters installed and should have the voluntary option of utilizing them, urged Council's support, and made a motion to adopt the resolution which was acted upon after discussion. (8 - 0)

Speaking to the issue were: Jack Fiorentino, 364 W. San Carlos, San Joaquin Valley Taxpayers Association, opposed; and Joni Johnson, Fresno Neighborhood Alliance, support.

Lengthy discussion ensued with Acting Public Utilities Director Anderson, City Manager Reid and City Attorney Montoy responding to Council questions relative to cost and responsibility for cost, inducements, number of existing meters, and tenant/property owner authority to request meters.

Councilmember Perea stated he supported meters and this was an important issue, expressed concern with the close deadline to place the issue on the ballot stating numerous educational meetings should have taken place prior to the requested action, and advised he could not support the resolution. Councilmember Steitz clarified he opposed mandatory water meters, stressed the issue this date was voluntary meters, stated there was plenty of time

to debate the issue in the next three months, and urged Council's support. Councilmember Bredefeld stated the cost responsibility issue was unclear emphasizing if this were to truly be a voluntary program, only those desiring meters should be responsible for costs.

Mr. Reid commented on preserving the 60,000 acre feet of water cautioning if the resolution fails, the next action might be mandatory metering and explained. Councilmember Perea directed staff schedule the issue of negotiations with the Reclamation Bureau on the next agenda. Brief discussion ensued with Mr. Anderson responding to questions of Councilmember Quintero relative to meeting with the bureau and costs to the City for meter operations.

A motion of Councilmember Steitz, seconded by Vice President Briggs, to adopt the resolution submitting a proposed Charter amendment to City electors relating to voluntary water meters failed, by the following vote:

Ayes	:	Briggs, Steitz
Noes	:	Bredefeld, Perea, Quintero, Ronquillo, Mathys
Absent	:	None

Councilmember Steitz stated when the issue of mandatory meters is brought back in a year or two, Council was duly forewarned.

- - - -

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(3F) RESOLUTION - SETTING FORTH PERMISSIBLE GAMES WHICH )  
MAY BE PLAYED IN CARD ROOMS UNDER THE CITY OF FRESNO CARD )  
ROOM ORDINANCE )

Councilmember Ronquillo made a motion to adopt the resolution. Councilmembers Briggs, Perea and Steitz stated their positions on the issue, and City Attorney Montoy and City Manager Reid responded to questions relative to legality of the games, adding additional games, and absence of police staff to further respond to questions. Ms. Montoy recommended the issue be held over to August 18 for staff's presence and brief discussion ensued.

A motion of Councilmember Ronquillo, seconded by Vice President Briggs, to adopt the above entitled resolution setting forth permissible games which may be played in card rooms under the City of Fresno Card Room Ordinance failed, by the following vote:

Ayes	:	Briggs, Ronquillo, Quintero
Noes	:	Bredefeld, Perea, Steitz, Mathys
Absent	:	None

- - - -

(4A) DISCUSSION AND DIRECTION ON APPOINTMENTS OF COUNCIL )  
REPRESENTATIVES TO THE BLUE RIBBON COMMISSION ON COM- )  
PETITIVE BIDDING )

Briefly reviewed by City Attorney Montoy. Councilmember Perea briefly left the meeting at 4:59 p.m.

On motion of President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, Council nominees to the Blue Ribbon Commission on Competitive Bidding to be submitted to the City Clerk in the next week; three names submitted deemed to be the Commission; and the City Clerk in coordination the City Attorney to set the issue for Council action if more than three names are received, by the following vote:

Ayes	:	Bredefeld, Briggs, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Perea

- - - -

(5A) CONSIDER ADDITIONS TO COUNCIL RULES AND PROTOCOL -	)
VICE PRESIDENT BRIGGS:	)
1. RULE NO. 16(f) - NO COUNCILMEMBER SHALL PLACE ON THE	)
AGENDA MORE THAN ONE ITEM EACH WEEK AS AN HONORARY	)
RESOLUTION, COMMENDATION, OR PROCLAMATION UNLESS SIGNED	)
BY ALL SEVEN COUNCILMEMBERS	)

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2. RULE NO. 16(g) - NO COUNCILMEMBER MAY PLACE AN ITEM	)
ON THE AGENDA AS A TIMED ITEM WITHOUT A MAJORITY VOTE	)
TO DO SO THE PREVIOUS WEEK	)

Vice President Briggs briefly reviewed the issue and made a motion to adopt the new rules. Councilmember Bredefeld stated he had a concern with Rule 16(g) and requested they be voted upon separately. Relative to Rule 16(f), Councilmember Ronquillo recommended a simple majority of 4 with Vice President Briggs stating he would stay with the rule as proposed.

On motion of Vice President Briggs, seconded by Councilmember Steitz, duly carried, RESOLVED, Council Rule No. 16(f) specifying no Councilmember shall place on the agenda more than one item each week as an honorary resolution, commendation, or proclamation unless signed by all seven Councilmembers hereby approved, by the following vote: (9 - 0)

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Steitz, Mathys
Noes	:	Ronquillo
Absent	:	None

Vice President made a motion, seconded by Councilmember Steitz, to approve Rule No. 16(g). Brief discussion ensued on clarification of the rule, whereupon Vice President Briggs directed the issue be laid over to the next meeting to work out details. No further action taken.

- - - -

Councilmember Steitz briefly left the meeting at 5:09 p.m.

**(6A) \*RESOLUTION NO. 98-228 - APPLYING TO THE FRESNO LOCAL )**  
**AGENCY FORMATION COMMISSION (LAFCO) IN THE MATTER OF THE )**  
**PROPOSED CHURCH-WILLOW NO. 2B REORGANIZATION )**

**(6B) \*RESOLUTION NO. 98-229 - APPLYING TO THE FRESNO LOCAL )**  
**AGENCY FORMATION COMMISSION (LAFCO) IN THE MATTER OF THE )**  
**PROPOSED CHURCH-WILLOW NO. 2A REORGANIZATION )**

**(6C) \*RESOLUTION NO. 98-230 - APPLYING TO THE FRESNO LOCAL )**  
**AGENCY FORMATION COMMISSION (LAFCO) IN THE MATTER OF THE )**  
**PROPOSED CHURCH-WILLOW NO. 4 REORGANIZATION )**

**(6D) \*RESOLUTION NO. 98-231 - APPLYING TO THE FRESNO LOCAL )**  
**AGENCY FORMATION COMMISSION (LAFCO) IN THE MATTER OF THE )**  
**PROPOSED KINGS CANYON-PEACH NO. 2 REORGANIZATION )**

Councilmember Quintero briefly reviewed the issue stating the annexations were related to the new Elizabeth Terronez Middle School and Sunnyside High School.

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On motion of Councilmember Quintero, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the negative declarations prepared for the subject properties finding that there is no substantial evidence that the annexation may have a significant adverse effect upon the environment hereby adopted; and the above entitled Resolution Nos. 98-226, 98-227, 98-228 and 98-229 adopted, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Mathys
Noes	:	None
Absent	:	Steitz

- - - -

Brief discussion ensued on adjourning to closed session whereupon it was determined to continue with items on the agenda. Vice President Briggs compelled Councilmembers to attend closed session after conclusion of the agenda citing the tendency for lack of quorums.

**(4:00 P.M.) REGULAR MEETING OF, AND JOINT MEETING WITH, THE )**  
**REDEVELOPMENT AGENCY )**

The Redevelopment Agency met in regular session at the hour of 5:12 p.m. Member Steitz returned to the meeting.

On motion of Member Perea, seconded by Member Steitz, duly carried, RESOLVED, the Agency minutes of June 30, 1998, approved as submitted.

**(4:05 P.M.)** CONSIDER MATTERS RELATING TO THE HAUTER FAMILY'S )  
PROPOSAL FOR A COMMERCIAL DEVELOPMENT AND COMMERCIAL RE- )  
HABILITATION (AGENCY ACTION) )

**1. AGENCY RESOLUTION NO. 1491** - AUTHORIZING THE DIRECTOR TO )  
PREPARE AND ENTER INTO A 90-DAY AGREEMENT TO NEGOTIATE )  
EXCLUSIVELY WITH ADAM HAUTER, AUTHORIZED REPRESENTATIVE OF )  
THE OWNERS/OPERATORS ("HAUTER FAMILY") OF THE FRESNO )  
COMMUNITY MARKET ("MARKET"), FOR A DISPOSITION AND DEVELOP- )  
MENT AGREEMENT COVERING PROPERTY AT 264-274 N. FRESNO STREET )  
AND A COMMERCIAL MIXED-USE DEVELOPMENT IN THE JEFFERSON )  
REDEVELOPMENT AREA, AND AUTHORIZING THE DIRECTOR TO ACCEPT )  
AN APPLICATION FOR, TO PROCESS, AND ENTER INTO A COMMERCIAL )  
REHABILITATION LOAN AGREEMENT FOR FACADE AND EXTERIOR )  
IMPROVEMENTS )

Redevelopment Administrator Murphey briefly reviewed the staff report as submitted. Member Bredefeld briefly left the meeting at 5:14 p.m. A motion and second to adopt the resolution was acted upon after brief discussion.

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Director Fitzpatrick and Ms. Murphey responded to Agency questions relative to the exclusive agreement, location of the site, size, zoning designation, sale price, value, and landscaping.

On motion of Member Perea, seconded by Chair Ronquillo, duly carried, RESOLVED, the above entitled Agency Resolution No. 1491 hereby adopted, by the following vote:

Ayes	:	Briggs, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Bredefeld

Member Bredefeld returned to the meeting at 5:25 p.m.

**(4:15 P.M.)** UPDATE ON THE PROPOSED CHAMLIAN PROJECT AND )  
REQUEST FOR AN EXTENSION OF EXCLUSIVE RIGHTS TO VAHAN )  
CHAMLIAN TO ENTER INTO NEGOTIATIONS WITH THE AGENCY )

A motion and second to approve staff's recommendation was acted upon after brief discussion. Member Steitz expressed his concern with continued requests for extensions stating a prior rezone request had been denied due to this project and questioned if any consideration was being given for the City. Director Fitzpatrick responded

and gave a brief update on the project emphasizing the project would be built.

On motion of Member Mathys, seconded by Member Perea, duly carried, RESOLVED, the extension of an exclusive right for a period of one year to August 1, 1999, to the developer, Mr. Vahan Chamlian, hereby approved, by the following vote:

Ayes	:	Bredefeld, Briggs, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

The City Council met in joint session with the Redevelopment Agency at the hour of 5:30 p.m.

**(4:20 P.M.)** APPROVE AND ADOPT A JOINT RESOLUTION OF THE )  
COUNCIL AND AGENCY THAT SUPERSEDES, IN PART, JOINT )  
RESOLUTION NOS. 98-103 AND 1468, RESPECTIVELY, ADOPTED )  
3/31/98: )

**1. JOINT COUNCIL RESOLUTION NO. 98-232 - AND AGENCY )**  
**RESOLUTION NO. 1492 - APPROVE A CHANGE IN THE CONTRACTING )**  
DEVELOPER FROM CENTRAL CITIES PROPERTIES INC. TO KEARNEY )  
PALMS, LLC; ADD CONDITIONS REGARDING THE INVESTMENT BY )  
TABLE MOUNTAIN RANCHERIA TRIBAL DEVELOPMENT CORP., INC., )  
AS THE LLC MEMBER PROVIDING THE NECESSARY CASH EQUITY; )

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AND AUTHORIZE REVISIONS TO THE DISPOSITION & DEVELOPMENT )  
AGREEMENT, AND TO THE "LEASE AND COVENANTS FOR PUBLIC )  
PARKING, OPERATION AND MAINTENANCE RECIPROCAL EASEMENTS )  
AND OPTION TO PURCHASE AGREEMENT," APPROVED 3/31/98, )  
SUBSTANTIALLY IN THE FORM THEN PRESENTED, AS NEEDED )  
TO: (i) RECOGNIZE THE CHANGE IN CONTRACTING ENTITY AND )  
ITS MEMBERSHIP, AND (ii) ACKNOWLEDGE FACTS AND AGREEMENT )  
REGARDING THE PURCHASE AND SALE OF APN'S 467-151-06, 07, )  
AND 08 (CURRIE BROS. PROPERTY), **AS AMENDED** )

A motion and second to adopt the joint resolution was acted upon after brief discussion. Chair Ronquillo thanked all involved and gave a brief overview of the issue. Director Fitzpatrick advised the developer and representatives of Table Mountain Rancheria were in attendance to answer any questions, noted all necessary documents and issues were moving forward, and stated staff would be able to move on the D&DA shortly.

Councilmember Steitz stressed it was critical that the agreement between the developer and Table Mountain Rancheria be submitted to Council prior to final approval to determine if there would be an economic impact and



explained, with Mr. Fitzpatrick responding.

Tom Beggs, Developer, gave a brief status report on the project confirming the loan commitment and anchor tenant leases were in place.

Councilmember Steitz reiterated he wanted to see all loan documents and discussed scheduling the issue on the agenda in 60 days. Brief discussion ensued whereupon Section 6 of the resolution was amended requiring all documents to be brought to the Agency/Council prior to execution by the Director.

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Joint Resolution No. 98-232/1492 approving a change in the contracting developer from Central Cities Properties, Inc. to Kearney Palms LLC; adding conditions regarding the investment by Table Mountain Rancheria Tribal Development Corporation, Inc., as the LLC member providing the necessary cash equity; and authorizing revisions to the Disposition and Development Agreement (DDA) and to the "Lease and Covenants for Public Parking, Operation and Maintenance, Reciprocal Easements, and Option to Purchase" Agreement, approved 3/31/98, substantially in the form then presented, as needed to: (i) recognize the change in contracting entity and its membership, and to (ii) acknowledge facts and agreement regarding the purchase and sale of Assessor Parcel Numbers 467-151-06, 07 and 08 (Currie Bros. Property) hereby adopted, **as amended**, providing that all documents are to be brought back to the Agency/Council prior to final approval by the Agency Director, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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(4:25 P.M.) CONSIDER MATTER REGARDING THE FRESNO HOTEL	)
PARTNERS' PROPOSED DOWNTOWN HOTEL COMPLEX AND EXPANDED	)
EXHIBIT HALL	)
1. RECEIVE REPORT FROM STAFF AND FRESNO HOTEL PARTNERS	)
AND GIVE DIRECTION TO STAFF REGARDING POTENTIAL DEAL	)
POINTS OF AN AGREEMENT WITH FRESNO HOTEL PARTNERS	)
2. AGENCY RESOLUTION - APPROVING A 90-DAY EXTENSION OF	)
THE EXCLUSIVE RIGHTS TO NEGOTIATE GRANTED UNDER AGENCY	)
RESOLUTION NO. 1478, ADOPTED 4/14/98, RELATING TO THE	)
FRESNO HOTEL PARTNERS' EXCLUSIVE RIGHTS TO NEGOTIATE	)
FOR A DOWNTOWN HOTEL COMPLEX WITHIN THE CONVENTION	)
CENTER EXHIBIT HALL AREA	)

Redevelopment Administrator Murphey reviewed the staff report as submitted and requested direction based on the developer's packet and proposed deal points.

Developer Charles Covington, President, NAES Group, and member of Fresno Hotel Partners (FHP), gave an overview of the proposed project using visuals to illustrate.

Speaking in support or opposition to the proposed hotel project were: Ken Johnson, Owner, Minuteman Press, 2011 Fresno St. #102, support **(10 - 0)**; Myser Keels, 1060 Jones, support; Bud Vivion, President, Hotel-Motel Association, 2233 Ventura St., who requested a feasibility study on the need for additional rooms; Lloyd Kennedy, Executive Director, Convention and Visitors Bureau, support; Victoria Gonzales, Downtown Association, support; Gordon Webster, representing the Chamber of Commerce, support; Tim Hernandez, General Manager, Courtyard, opposed; Margie Cooper, Piccadilly/Chateau Inn, opposed; a representative of the Travelodge, opposed; and Mr. Sherwood, General Manager, Sheraton, who stated the plan was not feasible.

Environmental Resources Engineer Mitchell, City Manager Reid and Administrative Services Director Souza responded to questions of Councilmember Steitz relative to the proposed \$8.5+ million cost to the City, current exhibit hall debt service, and parking availability. Councilmember Steitz made a motion, seconded by Vice President Briggs, to conduct a financial feasibility study, including parking, to determine ramifications of the additional 400 rooms proposed.

Councilmember Ronquillo commented on the issue stating the downtown parking problem was not new and emphasized the facility was needed and explained.

Mr. Covington and Director Fitzpatrick responded to questions of Councilmember Bredefeld relative to cost numbers and the skywalk connector. Councilmember Bredefeld stated he supported moving forward but had a concern with the proposed \$15,000/month lease, and made a substitute motion to move forward with the provision to further negotiate the monthly lease cost, and return with further information on the skywalk and parking issues, which was seconded by Councilmember Ronquillo who also requested financial feasibility on the City's side be considered.

132-47

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An unidentified representative of the hotel/motel industry and City Attorney Montoy responded to questions of President Mathys relative to the process to construct a new motel, city-wide occupancy rates, and competitive bidding. Discussion ensued on the competitive bid process and its relevance to the private hotel project.

**(11 - 0)** Councilmember Quintero questioned if it was workable to combine both motions and move forward by granting 30 days, or less, to review the agreement and analyze concerns expressed this date, with Mr. Fitzpatrick stating it could be accomplished and explained.

Extensive discussion ensued with Mr. Fitzpatrick, Mr. Covington, Mr. Kennedy, Ms. Murphey and Economic Development Coordinator Webster responding to questions relative to conducting a study, utilizing a consultant, competitive bidding, existing hotel facilities used when booking convention, downtown projects/events and parking, exhibit hall design, proposed monthly lease cost, and cost for a study, whereupon the original and substitute motions were withdrawn and a new motion was made.

On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, a three week

extension hereby granted, and staff directed to report back on August 18, 1998, on the scope and cost of a financial feasibility study, including the issue of competitive bidding, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

**(4:35 P.M.) PRESENTATION BY DAVE FARLEY ON MOSQUITO AND )**  
**VECTOR CONTROL DISTRICT WORK ON CITY-OWNED OR MANAGED )**  
**PROPERTIES )**

Bob Azzaro, President, Mosquito Abatement District, advised with the redevelopment mergers the District would tend to lose approximately \$46,000 a year in revenues which would increase over a period of time, stressed the issue needed to be addressed, and stated his support of Mr. Farley and the District.

Dave Farley, Fresno Mosquito & Vector Control District, reviewed the issue, proposed the City enter into an agreement with the District for city-owned properties and explained, and urged Council to consider the proposal. City Manager Reid responded with options and recommended the Agency be a participant in resolving the matter.

Brief discussion ensued on if the City had made an election for pass-through funds with Mr. Reid and Director Fitzpatrick responding to issues and questions. Councilmember Steitz requested a report on cities comparable to Fresno who did not take the election, and concurred the Agency should participate.

**(12 - 0)** Brief discussion ensued and Council stated their support for the work of the District. Councilmember Quintero stated would welcome any proposals or ideas and meet with Mr. Farley. The issue was taken under advisement and no was action taken.

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**132-48**

**7/28/98**

**RECESS - 7:30 P.M. - 7:39 P.M.**

**(2:00 P.M.) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:**

**(A) EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, )**  
**SUBDIVISION (a) - CASE NAMES: )**

**1. CITY-COUNTY LAWSUITS: )**

**a. COUNTY V. CITY V. COUNTY (PARKING FINES CASE), SUP. )**  
**CT. NO. 502123-3; CA# 5-5872 )**

**b. CITY V. COUNTY V. CITY (AB 1290), SUP. CT. NO. 545904; )**  
**CA# 16-7213 )**

**c. COUNTY V. CITY V. COUNTY (CSA 48), SUP. CT. NO. 560663-7; )**  
**CA# 16-7283 )**

- d. COUNTY V. CITY (ROEDING PARK II), SUP. CT. NO. 571200-5; CA# 16-7328 )
- e. COUNTY V. CITY (ROEDING PARK III), SUP. CT. NO. 573647-5; )
- CA# 4-7341 )
- 2. DAVID WILLIAMS V. CITY OF FRESNO, ET AL )
- 3. KENITH R. CARR V. CITY OF FRESNO, ET AL )

- (B) ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, )
- SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION: )
- 1. CLAIM OF ISSAC GALINDO, SR. )
- 2. CLAIM OF ISSAC GALINDO, JR. )
- 3. CLAIM OF CELESTE C. GALINDO )
- 4. EHRLICH V. CITY OF FRESNO )

The Council met in closed session in Room 2125 at the hour of 7:39 p.m. to consider the above issues and adjourned thereafter.

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**ADJOURNMENT** )

There being no further business to bring before the Council, the hour of 8:13 p.m. having arrived and hearing no objections, President Mathys declared the meeting adjourned.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Chris Mathys, President

ATTEST: \_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk